

# Irish Land Bill.

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## ARRANGEMENT OF CLAUSES.

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[Bill 160]

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A  
B I L L

TO

Amend the Law relating to the occupation and ownership  
of Land in Ireland, and for other purposes relating  
thereto.

A.D. 1914.

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5

PART I.

*Land Purchase Finance.*

- 1.—(1) In the case of advances made in pursuance of purchase agreements entered into after the passing of this Act, three pounds twelve shillings and sixpence shall be substituted for  
10 three pounds ten shillings as the rate of the purchase annuity under section forty-five of the Act of 1903, as amended by section one of the Irish Land Act, 1909 (in this Act referred to as the Act of 1909).
- (2) So far as respects advances made for such agreements, the  
15 rate of interest to be paid by the Land Commission to the National Debt Commissioners under section thirty-six, and by the Congested Districts Board to the Land Commission under section seventy-two of the Act of 1903, as amended by section one of the Act of 1909, shall be three pounds two shilling and sixpence per cent.  
20 per annum instead of three pounds per cent. per annum.

Alteration of amount of purchase annuity and of rate of interest payable to National Debt Commissioners and to Land Commission.

2. For the purpose of carrying into effect purchase agreements entered into after the passing of this Act advances may, as to one-half of the sum to be advanced, be made by means of money instead of by means of guaranteed three per cent.  
25 stock.

Power to make advances partly by means of money.

[Bill 160]

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Provision of  
money re-  
quired for  
Land Pur-  
chase Fund,  
6 Edw. 7.  
c. 57.

3.—(1) Money required for the Irish Land Purchase Fund on account of—

- (a) the money portion of advances made under this Act;
- (b) advances made under section sixteen of the Labourers' (Ireland) Act, 1906, or made for the purchase of 5 estates or untenanted land in pursuance of final offers sent by the Estates Commissioners or Congested Districts Board; or
- (c) the Land Purchase Aid Fund;

may be raised on the security of terminable annuities of such 10 amounts and for such terms not exceeding sixty-two years as will be sufficient to repay the capital sums raised with interest at the rate of three pounds six shillings and eight pence per cent. per annum.

(2) The terminable annuities shall be payable half yearly 15 in manner prescribed by rules under this part of this Act.

Security for  
payment of  
terminable  
annuities.

4.—(1) *The terminable annuities, if and so far as they are not paid out of the amounts appropriated to their payment under this section, shall be paid out of moneys provided by Parliament for the service of the Land Commission and, if those moneys 20 are insufficient, out of the Consolidated Fund of the United Kingdom or the growing produce thereof.*

(2) Out of the sums payable to the National Debt Com-  
missioners by the Land Commission for interest and sinking  
fund under section thirty-six of the Act of 1903, as amended 25  
by any subsequent enactment (in this Act referred to as Land  
Commission interest payments and Land Commission sinking  
fund payments), the following amounts shall be appropriated to  
the payment of the terminable annuities, namely—

- (a) in the case of terminable annuities representing the 30 money portion of advances made under this Act, an amount equivalent to the residue of the Land Commission interest and sinking fund payments in respect of those advances which remains after payment thereof of interest and sinking fund in respect of 35 the stock portion of the advances; and
- (b) in the case of terminable annuities representing advances made under section sixteen of the Labourers (Ireland) Act, 1906, or made for the the purchase of estates or untenanted land in pursuance of final offers sent 40

6 Edw. 7.  
c. 57.

by the Estates Commissioners or Congested Districts Board, an amount equivalent to the Land Commission interest and sinking fund payments in respect of those advances. A.D. 1911.

5     5.—(1) *The Treasury may authorise the National Debt Commissioners to borrow temporarily at interest at the rate of three pounds six shillings and eightpence per cent. per annum any sums which may be raised on the security of terminable annuities under this Part of this Act.* Temporary borrowing.

10     (2) *The principal of any sums so borrowed shall be repaid out of the Irish Land Purchase Fund, and, if the capital account of that fund is insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.*

15     (3) *The provisions of this Part of this Act as to the appropriation of amounts out of Land Commission interest and sinking fund payments to the payment of the terminable annuities shall apply, with the necessary modifications with respect to the appropriation of amounts out of Land Commission interest payments, to the payment of the interest on sums borrowed temporarily under the provisions of this section, and that interest, so far as not paid out of the amounts so appropriated, shall be paid out of moneys provided by Parliament for the service of the Land Commission and, if those moneys are insufficient, out of the Consolidated Fund*  
25 *of the United Kingdom or the growing produce thereof.*

6. *The National Debt Commissioners shall have power, out of any cash balance in their hands available for investment, to invest on the security of terminable annuities created under this Act, and to lend any sums which may be borrowed temporarily*  
30 *under this Act.* Power of National Debt Commissioners to lend.

7. *For the purpose of calculating the percentage payable under section forty-eight of the Act of 1903, as amended by section six of the Act of 1909, the rates specified in the schedule to this Act shall, so far as respects any percentage on purchase*  
35 *money advanced in pursuance of purchase agreements entered into after the passing of this Act, be substituted for the rates specified in the First Schedule to the Act of 1903, and section six of that Act shall have effect accordingly.* Amendment of provisions as to percentage

8. *Where it appears to the Lord Lieutenant that it is*  
40 *expedient that the limit fixed by subsection (4) of section forty of the Act of 1903 with respect to the advances which* Extension of limit on advances in a county.

A.D. 1914. — may be made in any county should be exceeded, he may certify to that effect to the Treasury, and the Treasury may authorise advances to be made in that county to such increased amount as they think proper.

Interpreta-  
tion.

9.—(1) Orders of the Land Judge under section seven or 3  
section seventy-seven of the Act of 1903 vesting land in the  
Land Commission or the Congested District Board, and orders  
of the Estates Commissioners vesting land in the Land Commis-  
sion under section two of the Evicted Tenants (Ireland) Act,  
1907, shall, for the purposes of this Part of this Act, be 10  
treated as purchase agreements entered into by the Commission  
or Board, as the case may be.

(2) Purchase agreements entered into at any time by the  
Land Commission or the Congested Districts Board on the resale  
of land purchased or agreed to be purchased by them before 15  
the passing of this Act, or of land purchased at any time  
(whether by agreement or compulsorily) in pursuance of a final  
offer sent before the passing of this Act, shall not for the purposes  
of this Part of this Act be treated as purchase agreements  
entered into after the passing of this Act. 20

(3) In the case of the purchase of an estate or untenanted  
land in pursuance of a final offer sent by the Estates Commis-  
sioners or Congested Districts Board before the passing of this  
Act the agreement for purchase which is deemed to be entered  
into on the acceptance of the offer or on the payment of the 25  
purchase money into the Bank of Ireland as the case may be,  
shall not for the purposes of this Part of this Act be treated as  
a purchase agreement entered into after the passing of this Act,  
although the offer is accepted or the payment is made after the  
passing of this Act. 30

Further pro-  
vision of  
money for  
purposes of  
Labourers  
(Ireland)  
Acts, 1883  
to 1911.  
6 Edw. 7,  
c. 37,  
1 & 2 Geo. 5,  
c. 19.

10.—(1) The limit on the amount of advances that may be  
made by the Land Commission under section sixteen of the  
Labourers (Ireland) Act, 1906, shall be six million two hundred  
and fifty thousand pounds instead of five million two hundred  
and fifty thousand pounds, and that section, as amended by 35  
section two of the Labourers (Ireland) Act, 1911, shall have effect  
accordingly.

(2) *In section fourteen of the Labourers (Ireland) Act, 1906,  
and section eleven of the Act of 1909, as amended by section three  
of the Labourers (Ireland) Act, 1911, forty-one thousand pounds 40*

*shall be substituted for thirty-four thousand five hundred pounds as the limit of the total amount of the payments to be charged on the Ireland Development Grant, or, in the event of that grant being insufficient, to be defrayed out of moneys provided by Parliament.*

A.D. 1914.

(3) The provisions of subsection (1) of section eleven of the Act of 1909 as to the repayment of advances made under section sixteen of the Labourers (Ireland) Act, 1906, and as to the rate of the Land Commission interest payments in respect of those advances, shall apply as well in the case of advances made after as in the case of advances made before the passing of this Act.

11. The power of making rules conferred on the Treasury by the Land Purchase Acts shall extend to the making of rules for carrying the provisions of this Part of this Act into effect and for adapting to the requirements of this Act the provisions of the Land Purchase Acts or any other enactment passed prior to this Act with respect to the raising of money by the issue of stock, bills, or bonds, the repayment of money so raised, and the redemption of purchase annuities, or otherwise relative to land purchase finance.

Power to make rules.

## PART II.

*General.*

12.—(1) The special powers given to the Estates Commissioners by the Act of 1909 for and in connexion with the purchase of congested estates and untenanted land for the purpose of relieving congestion shall be extended, and may be exercised for and in connexion with the purchase of any estate or untenanted land not situated in a congested districts county, for the purpose of resale to tenants and others, whether (in the case of an estate) the estate is or is not congested, and accordingly the following amendments shall be made in sections forty-two and forty-three and Part IV. of that Act, namely:—

Amendment of sections 42 and 43 and Part IV. of 9 Edw. 7. c. 42.

(a) in subsection (2) of section forty-two and subsection (1) of section forty-three, the word "estate" shall be substituted for the words "congested estate," and in the last-mentioned subsection the words "the purpose of resale to tenants and others" shall be substituted for the words "the purpose of relieving congestion";

A.D. 1914.

(b) paragraph (a) of subsection (1) of section sixty-two shall cease to have effect.

(2) Where an estate or untenanted land is purchased (whether by agreement or compulsorily) in pursuance of a final offer sent by the Estates Commissioners or Congested Districts Board after the passing of this Act no percentage under section forty-eight of the Act of 1903, or any enactment amending that section, shall be payable, and no parcel of the estate or land shall be resold to the owner or the trustees of a settlement under section three or section seventy-six of that Act. 10

(3) When an application is made to the Judicial Commissioner, under section sixty-two of the Act of 1909, for an order restraining the Estates Commissioners from acquiring an estate or untenanted land, or any specified part or parts thereof, on the ground that other adjoining land of the owner will be injuriously affected if the estate or untenanted land is purchased as proposed, the Judicial Commissioner, where it is proved that such other land will be injuriously affected, shall, in adjudicating upon the application, have regard to the nature and extent of the injury, and shall not make any such order as aforesaid on the ground 20 of that injury unless he is satisfied that the injury will be substantial.

(4) The following subsection shall be substituted for subsection (3) of section sixty-three of the Act of 1909:—

(3) The costs and expenses of and incidental to any 25 application under this Part of this Act shall be at the discretion of the Judicial Commissioner who may, if he thinks fit, order the same to be paid either by the applicant or by the Estates Commissioners or Congested Districts Board, provided that if the price fixed by the Judicial Commissioner is not greater than the price named in the final offer the costs and expenses of and incidental to the application shall, unless the Judicial Commissioner for special grounds otherwise orders, be borne by the applicant. 30

(5) If it appears to the Judicial Commissioner, on any 35 application to him under Part IV. of the Act of 1909, that the owner of the estate or untenanted land proposed to be purchased, or any person on his behalf, has acted unreasonably in relation to the proposed purchase, either by withholding information required by the Estates Commissioners or Congested Districts Board or in any other respect, the Judicial Commissioner (in 40



addition to the powers given to him by the last preceding subsection) shall have power to order the owner to pay to the Commissioners or Board such sum as appears to him to represent any costs or expenses which they may have incurred in consequence of such unreasonable action.

A.D. 1914.

(6) Applications to the Estates Commissioners to exercise their special powers under section forty-two, section forty-three or Part IV. of the Act of 1909, as amended by this Act, may be made in accordance with rules of the Judicial Commissioner and Estates Commissioners under subsection (13) of section twenty-three of the Act of 1909, and the procedure to be followed and conditions to be observed on and in connexion with those applications may be regulated and prescribed by such rules.

13. Where after the passing of this Act a tenant refuses to enter into an agreement or give an undertaking for the purchase of his holding under the Land Purchase Acts upon terms which are in the opinion of the Estates Commissioners reasonable, the Estates Commissioners may, on application made in the prescribed manner by the landlord, issue to him a certificate stating that the tenant has acted unreasonably in relation to the sale of the holding, and after the issue of that certificate no application to fix a judicial rent for the holding under the Land Law Acts shall be entertained.

Refusal of tenants to purchase on reasonable terms.

14. The condition with respect to the acquisition of additional holdings imposed by section thirty-two of the Act of 1909 upon the proprietors of any holdings for the purchase of which advances under the Land Purchase Acts have been made after the passing of that Act shall as from the passing of this Act be imposed upon the proprietors for the time being of all holdings for the purchase of which advances have been made at any time under those Acts, whether before or after the passing of the Act of 1909, and the provisions of that section shall, so far as respects that condition, have effect accordingly.

Restriction on acquisition of additional holdings.

15. The purposes for which land situated in a congested districts county may be purchased by the Congested Districts Board shall extend to and include any purpose for which land not so situated may be purchased by the Land Commission.

Definition of powers of Congested Districts Board to purchase land.

16.—(1) In the case of the sale of an estate to the Land Commission or Congested Districts Board where the estate comprises bog which is subject to rights of turbary exercisable by persons other than the occupier, the Land Commission or

Regulations as to turbary.

A.D. 1914. Board, as the case may be, may make regulations defining and restricting those rights and controlling their exercise, with a view to the prevention of disputes and the protection of the interests of all persons interested in the bog or turbarry.

(2) The powers of the Land Commission and Congested Districts Board under this section shall be in addition to their respective powers under sections twenty-one and seventy-eight of the Act of 1903, and subsection (4) of the first-mentioned section (which relates to penalties) shall apply for the purpose of any regulations under this section.

Facilities for  
the amalga-  
mation of  
holdings in  
congested  
districts.

17.—(1) For the purpose of facilitating the amalgamation of holdings in congested districts counties, the registered owner of any holding, whether registered as full owner or as limited owner, shall have power to enter into an agreement with the Congested Districts Board under this section for an exchange of holdings, and the agreement may be carried into effect in manner provided in this section.

(2) The registered owner shall transfer the holding to the Board, and the Board shall in exchange provide for him a new holding either by selling to him a parcel of land under the Land Purchase Acts or by transferring to him a holding purchased under those Acts. Provided that the new holding shall in either case be a holding which, in the opinion of the Board, is not less in value than the original holding.

54 & 55 Vict.  
c. 66.

(3) The transfer to the Board of the original holding shall as from the date of its registration operate to vest in the Board an estate in fee simple in the holding, subject to such of the burdens enumerated in section forty-seven of the Local Registration of Title (Ireland) Act, 1891, as affect the holding on that date, but free from all other burdens and rights, whether registered or not registered, which then affect the holding (including any burdens the ascertainment of which was dispensed with on first registration), and all those other burdens and rights shall as from that date be transferred to the new holding without any conveyance or order.

(4) Where the new holding is provided by transferring to the registered owner a holding purchased under the Land Purchase Acts the holding shall be transferred to him, subject to such of the burdens enumerated in section forty-seven of the Local Registration of Title (Ireland) Act, 1891, as affect the holding on the date of the transfer, and to the burdens and rights transferred from the original holding, but free from

all other burdens and right(s), whether registered or not registered (including any burdens the ascertainment of which was dispensed with on first registration of the new holding). A.D. 1911

(5) The registration of the Board as owners of the original 5 holding and of the registered owner as owner of the new holding shall be effected on the same date, and it shall be the duty of the Board to procure the registrations and to take all steps that may be necessary for that purpose.

(6) The provisions of this section with respect to the 10 registered owner of a holding shall in the following cases extend to the following persons, respectively (that is to say):—

(a) if Part IV. of the Local Registration of Title (Ireland) Act, 1891, applies to the holding and the registered owner (being registered as full owner) is dead, to his 15 legal personal representatives;

(b) if the registered owner is an infant, lunatic, or person of unsound mind, to any person by whom he may be represented for any of the purposes of the Local Registration of Title (Ireland) Act, 1891; and

(c) if a representative of the registered owner is appointed 20 by the county court for the purposes of this section, to that representative.

(7) The county court shall have power to appoint a representative of the registered owner of a holding for the purposes 25 of this section where it appears to the court, on the application of the Board or any person interested, that the registered owner is a person absent beyond seas or a person as to whom it is not known whether he is alive or dead, and that it is to the advantage of the persons interested in the holding that it should 30 be exchanged for a new holding under this section. Applications to the county court and the practice and procedure thereon may be regulated by rules of court.

(8) Rules may be made under section ninety-four of the Local Registration of Title (Ireland) Act, 1891, regulating the 35 procedure to be adopted in connexion with the registration of land dealt with under this section, and prescribing such method of registration and making such adaptations or modifications of any enactment relating to registration as may be required for the purpose of giving effect to the provisions of this section.

(9) Section ninety-three of the Local Registration of Title 40 (Ireland) Act, 1891 (which relates to the application of the in-

A.D. 1914. — surance (and), shall not apply to losses arising from anything done in the execution of this section, or of rules under this section.

Resumption  
of holdings  
by Congested  
Districts  
Board.

18.—(1) When the Congested Districts Board have purchased an estate whether before or after the passing of this Act they shall 5 be entitled under this section to resume any holding on the estate of which they are immediate landlords.

(2) The Board, when they propose to resume a holding under this section, shall serve on the tenant a notice in writing requiring him to sell to them the tenancy in the holding at a price to be 10 fixed by the Land Commission, and the tenancy in the holding, by whatever tenure it may be held, shall determine absolutely on the gale day next after the expiration of six months from the service of the notice notwithstanding any terms or conditions of 15 any lease or other contract of tenancy under which the holding is held to the contrary or any statutory incidents of the tenancy.

(3) On the service of any such notice the tenant or the Board or any person interested in the holding may apply to the Land Commission to fix the price to be paid for the holding, including full compensation to the tenant, and the price shall be 20 fixed by the Land Commission accordingly in the like manner as in the case of the resumption of a holding under section five of the Act of 1881, and the amount so fixed shall be paid by the Board out of the funds at their disposal as part of their general 25 expenses.

(4) Upon the date of the determination of any tenancy under this section the claims of all persons interested in the tenancy whether as incumbrancers or otherwise, shall attach to the price fixed or to be fixed by the Land Commission in like manner as 30 immediately before that date they attached to the tenancy.

(5) Section eighty-three of the Act of 1903 is hereby repealed.

Powers of  
investment.

19. For the purpose of extending trustees' powers of investing purchase money of land purchased by means of an advance under the Land Purchase Acts, the following amend- 35 ments shall be made in paragraph (a) of subsection (1) of section thirty-eight of the Act of 1909, which specifies securities in which such purchase money may be invested with the sanction of the Public Trustee, namely:—

(a) in subhead ii. of that paragraph the words "any 40 dominion or colony" shall be substituted for the word "Canada";

(b) at the end of the said subhead the following subhead shall be added:— A.D. 1914.

"iii. in the stock, mortgages, bonds, debentures or debenture stock issued or to be issued by the local authority of any city or town in any dominion or colony if the population of the city or town, according to the census last preceding the date of investment, is not less than fifty thousand."

20. Where under a settlement there is no tenant for life or person having the powers of a tenant for life within the meaning of the Settled Land Acts, 1882 to 1890, then for the purposes of the Land Purchase Acts, the powers of a tenant for life under the Settled Land Acts, 1882 to 1890, may be exercised by the trustees of the settlement, or, if there are none, then by such persons as the Land Commission may, on the application of any of the parties interested, appoint trustees of the settlement. Extension of powers to sell under the Land Purchase Acts.

21. The Judicial Commissioner, in addition to any other jurisdiction vested in him in that behalf, shall have and may exercise all the jurisdiction of the Chancery Division of the High Court with respect to the correction and rectification of a vesting order or fiat on the ground of actual fraud or mistake. Rectification of vesting orders and fiats.

22.—(1) Any person aggrieved by any action or omission of any trustees in carrying into effect a scheme for the user of land framed or approved under section twenty of the Act of 1903 may take proceedings in the county court by way of equity civil bill for the execution of the trusts of the scheme, and the jurisdiction of the county court shall extend to any such proceedings notwithstanding that the land subject to the trusts exceeds thirty pounds in annual value. Schemes for user of land under 3 Edw. 7. c. 37. s. 20.

(2) So much of section twenty of the Act of 1903 as requires provisions for appeals to the Lord Lieutenant to be inserted in any such scheme and so much of any scheme as provides for such appeals shall cease to have effect.

23. An appeal shall lie to the House of Lords from any decision of the Court of Appeal on any question of law under the Land Purchase Acts. Appeals to House of Lords.

A.D. 1914.

## PART III.

*Supplemental.*Construc-  
tion.

24.—(1) This Act shall be construed as one with the Land Purchase Acts and may be cited with those Acts and, so far as it relates to the Congested Districts Board or congested districts counties solely, shall be construed as one with the Congested Districts Board (Ireland) Acts, and may be cited with those Acts.

(2) In this Act, unless the context otherwise requires, the expression "Land Purchase Acts" means the Land Purchase Acts as defined by the Act of 1909 and this Act.

Short title.

25. This Act may be cited as the Irish Land Act, 1914.

## SCHEDULE.

A.D. 1914.

1. The percentage shall be a percentage on the amount advanced in respect of each holding and parcel of land comprised in the estate, and shall be calculated according to the number of years' purchase 5 represented by the advance upon the following scale—

Number of Years' Purchase Represented by the Advance			Rate of Percentage
Where the Rent is a Judicial Rent fixed or agreed to since the passing of the Act of 1890, or the Land is Untenanted		Where the Rent is a Judicial Rent fixed or agreed to before the passing of the Act of 1890, or a Non-Judicial Rent.	
10	Exceeding 24½	Exceeding 22½	Nil.
	" 24 and not exceeding 24½	" 22 and not exceeding 22½	2
	" 23½	" 21½	4
15	" 23	" 21	6
	" 22½	" 20½	8
	" 22	" 20	10
	" 21½	" 19½	12
	" 21	" 19	14
20	" 20½	" 18½	16
	Not exceeding 20½	Not exceeding 18½	18

2. In cases where an estate is purchased by the Estates Commissioners or the Congested Districts Board, and the advance is made in respect of the estate as a whole, the advance shall, for 25 the purpose of the application of the scale, be apportioned between the holdings and parcels of land comprised in the estate in such manner as the Estates Commissioners or the Congested Districts Board, as the case may be, direct.

3. In the case of the purchase of a parcel of untenanted land, and 30 in any case where the amount advanced is less than the purchase money, the number of years' purchase represented by the advance shall be calculated in manner prescribed by the Treasury, regard being had, in the case of untenanted land, to the fair annual value of the land to the owner.

# Irish Land.

A

## BILL

To amend the Law relating to the occupation and ownership of Land in Ireland, and for other purposes relating thereto.

*Presented by Mr. Burrell,*

*suggested by*

*Mr. Chancellor of the Exchequer,*

*Mr. Secretary Mr. Keene, Mr. Herbert Somers,*

*and Mr. Attorney-General.*

*Introduced by The House of Commons, to be Printed,  
2 April 1915.*

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